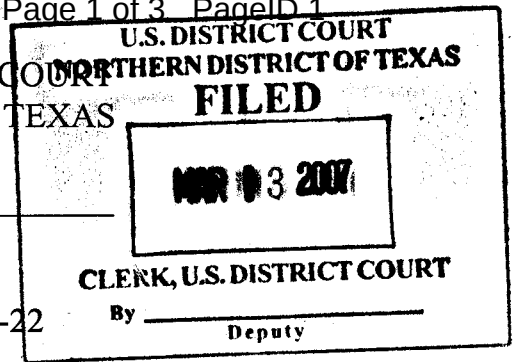


CRIMINAL COMPLAINT
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION



UNITED STATES OF AMERICA

V.

NO. 2:07-MJ-22

JAMES JOSEPH EGAN (1)

Complaint for violation of Title 49, United States Code § 46504

| NAME OF JUDGE OR MAGISTRATE | OFFICIAL TITLE | LOCATION |
|-----------------------------|-----------------------|--------------|
| CLINTON E. AVERITTE | U.S. MAGISTRATE JUDGE | AMARILLO, TX |

| DATE OF OFFENSE | PLACE OF OFFENSE | ADDRESS OF ACCUSED |
|-----------------|------------------|--------------------|
| 3/12/2007 | Amarillo, Texas | |

COMPLAINANT'S STATEMENT OF FACTS CONSTITUTING THE OFFENSE OR VIOLATION:

On or about March 12, 2007, within the Amarillo Division of the Northern District of Texas, and elsewhere, the defendant, **James Joseph Egan**, an individual on an aircraft in the special aircraft jurisdiction of the United States, did knowingly and intentionally interfere with the performance of the duties of the attendant of said aircraft and did lessen the ability of the attendant to perform said duties. In violation of 49 U.S.C. § 46504.

BASIS OF COMPLAINANTS CHARGE AGAINST THE ACCUSED:

See Attached Affidavit.

MATERIAL WITNESSES IN RELATION TO THIS CHARGE:

Robert A. Bennett

Being duly sworn, I declare that
the foregoing is true and correct
to the best of my knowledge.

SIGNATURE OF COMPLAINANT
OFFICIAL TITLE, Special Agent, F.B.I.

Sworn to before me and subscribed in my presence.

SIGNATURE OF U. S. MAGISTRATE JUDGE¹

DATE

March 13, 2007

¹See Federal Rules of Criminal Procedure Rules 3 and 54

AFFIDAVIT

2:07-MJ-22

I, Robert A. Bennett, your Affiant, do hereby depose and state as follows:

1. I am a Special Agent for the Federal Bureau of Investigation (FBI), currently assigned to the Amarillo Resident Agency. I have been employed as an FBI special agent since February 2003. I have prior law enforcement experience as a deputy sheriff for the Pennington County (South Dakota) Sheriff's Office, a police officer for the Rapid City (South Dakota) Police Department, and a criminal investigator for the United States Department of the Interior, Bureau of Indian Affairs. I am familiar with conducting investigations into alleged violations of federal, state, county, tribal, and city law.

2. The following summary of facts comes from interviews conducted with officers of the Amarillo International Airport Police Transportation Safety Administration officials, and the person accused himself regarding an alleged violation of Title 49, United States Code, Section 46504, Interference With Flight Crew Members and Attendants.

3. On March 12, 2007, Southwest Airlines Flight 1917, was airborne, flying from Pittsburgh, PA, to Phoenix, AZ, and continuing on to San Diego, CA, when a passenger identified as James Joseph Egan became disruptive.

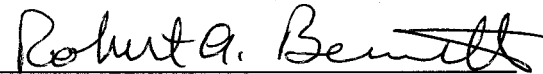
4. Egan was returning to his home in San Diego, CA, after attending the funeral of his mother. Egan was consuming alcohol prior to and during the flight. Egan's behavior became belligerent and the flight attendant serving Egan stopped alcoholic beverage service to him.

5. Egan declared he had a "pass" to act belligerently because he just buried his mother. Egan spoke in a loud manner and made comments that he would physically assault other passengers and crew and that he had a gun in his carry-on baggage.

6. Egan's comments and physical behavior caused the flight attendants to direct the pilot to divert the plane to the Rick Husband Amarillo International Airport. Upon arrival, Egan was removed from the airplane by airport police.

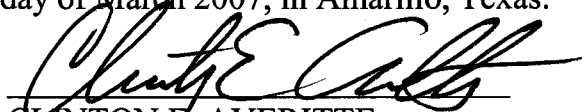
7. In a subsequent interview, Egan was found to be visibly intoxicated. Your Affiant noted red, bloodshot eyes, loud speech, and the distinct smell of alcohol beverages on Egan's breath. Egan advised he consumed "twelve beers." Egan admitted he was loud and disruptive but was simply "calling the bluff" of the flight attendant who would not serve him any more alcohol.

8. Based on my training and experience, I believe there to be evidence of a criminal violation of Title 49, United States Code, Section 46504 as witnessed by passengers and crew aboard Southwest Airlines Flight 1917.



Robert A. Bennett
Special Agent
Federal Bureau of Investigation

Signed and sworn to before me this 13th day of March 2007, in Amarillo, Texas.



CLINTON E. AVERITTE
United States Magistrate Judge



VICKI LAMBERSON
Assistant United States Attorney